

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Elaine E. Bucklo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 1293	DATE	8/26/2010
CASE TITLE	Simonian vs. Global Instruments, et al.		

DOCKET ENTRY TEXT

Defendants' motion (23) to dismiss complaint is granted and it is so ordered. Status hearing set for 9/1/10 is vacated.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Defendants' motion to dismiss is granted. As I stated recently in Simonian v Advanced Research, Inc., No. 10 C 1310 (8/13/10), under current law, plaintiff has standing to bring this action. This case differs from Advanced Research, however, because in that case the allegations were that defendant had continued marking a nationally known product of which this Court could take judicial notice with two expired patents, one of which was alleged to have expired a number of years ago. Defendant was alleged to have decades of experience applying for and prosecuting patents. Thus, I found that plaintiff sufficiently alleged intent. Plaintiff makes similar conclusory allegations with regard to intent here but without the specific facts noted above. In this case, I find that the complaint does not sufficiently state facts from which I can infer intent.